

Remarks

The Examiner's reconsideration of the application is requested in view of the amendments above and additional comments which follow below.

The Examiner, in the Office Action, now rejects the claims on the basis of obviousness, with the primary combination of references being published Dearing Application U.S. 2002/0183882 in view of Bastian U.S. Patent No. 6,650,225. Reconsideration is requested.

The Examiner has explained in the Office Action how the Examiner has determined that Dearing allegedly teaches a separate aging indicator associated with each product compartment. In fact, however, Dearing does not have a separate aging indicator of any kind at each of the product compartments. Instead, as the Examiner has explained, any condition is contained in a server. In distinction, the present invention has, at each of the product compartments, an aging indicator. Each aging indicator displays at least three product conditions.

To make that abundantly clear, independent claims 1 and 11 have been amended to define a separate aging indicator proximate each product compartment. That should make it clear that the aging indicators are at the product compartments, not simply an electronic signal that is in a computer somewhere. That, it is submitted, distinguishes from the prior art, whether considered alone or in combination.

The Examiner, on page 4 of the Office Action, states that Bastian discloses product indicators to depict states or conditions of an item. That, however, is not correct. The light indicator 80 of Bastian is a single light indicator, not a separate indicator proximate each product compartment. Furthermore, Bastian makes it quite clear what the light indicator 80 represents, and that is an identification for operators to distinguish orders designated for them. Please see column 12, lines 3-10. Nowhere does Bastian disclose or suggest using light indicators to depict conditions of an item, and nowhere does Bastian suggest that a light indicator be proximate each product compartment. Therefore, even if the teachings of Dearing and Bastian are combined,

that combined teaching does not disclose, suggest or render obvious the claimed separate aging indicator proximate each product compartment with each indicator having at least three product condition signals (claim 1) or displays (claim 11). It is therefore submitted that independent claims 1 and 11 distinguish from the prior art, even if the teachings are combined.

Furthermore, the Examiner argues that Dearing senses a product while the product remains in a product compartment. However, that is not entirely correct. What Dearing senses is the presence or absence of an RFID tag. If that product has no tag, the product is never sensed, and insofar as Dearing is concerned, the product is absent.

In distinction, the invention of the present application includes a proximity sensor. That is, the sensor of the present application senses the actual physical presence of the product, not some other identifier, such as an RFID tag. Therefore, independent claims 1 and 11 have been amended to make that clear, each having been amended to identify the sensor as a proximity sensor. This, it is submitted, makes clear the difference between the present invention and Dearing.

Regarding independent claim 19, it is submitted that no amendment is necessary. Subparagraph "d" of claim 19 specifically requires that, proximate each product compartment, the aging be indicated by one of at least three product condition signals. As explained above, Dearing has nothing proximate each compartment. Similarly, neither does Bastian. The comments above, therefore, apply equally to claim 19.


Therefore, it is submitted that the claims, as cast, distinguish from and are allowable over the references, whether taken alone or in combination of their teachings. While the propriety of the combination of the teachings of Dearing and Bastian is not conceded, even should their teachings be combined, they still lack the claim limitations of the present invention, as explained above.

Further and favorable reconsideration by the Examiner is therefore urged. Should any matters remain for consideration and should the Examiner find that the

application is not fully in condition for allowance, an interview is requested. It would be appreciated, in that event, if the Examiner would telephone the undersigned at the telephone number set forth below to arrange that interview.

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Respectfully submitted,



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